

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY RONALD BROWN,

Petitioner,

v.

CASE NO. 2:11-cv-11277
HONORABLE GERALD E. ROSEN

MICHIGAN DEPARTMENT OF
CORRECTIONS/PAROLE BOARD,

Respondent.

ORDER DENYING PETITIONER'S MOTION TO STRIKE

Petitioner Timothy Ronald Brown has filed a *pro se* habeas corpus petition under 28 U.S.C. § 2254. The habeas petition challenges Petitioner's plea-based convictions for (1) using the Internet to communicate with another person for the purpose of committing child sexually abusive activity and (2) using the Internet for the purpose of disseminating sexually explicit material to a minor.

Currently pending before the Court is Petitioner's motion to strike the appendix attached to the State's answer to the habeas petition. The appendix consists of two computer chat logs, which purport to be conversations between Petitioner and an undercover agent posing as a fifteen-year-old girl. According to Petitioner, the chat logs are fabricated and highly prejudicial and the State has failed to show the chat logs were obtained from his computer.

The Court takes note of Petitioner's objections, but believes that it may properly consider the chat log as part of the record and to facilitate its understanding of the facts and issues.

Accordingly, Petitioner's motion to strike the States's appendix [dkt. #16] is **DENIED**.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: August 16, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 16, 2012, by electronic and/or ordinary mail.

s/ Shawntel Jackson for Ruth A. Gunther
Case Manager